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ABSTRACT

Committee R on Government Relations of the American Association of University Professors created a subcommittee on distance learning to explore some aspects of distance learning. Distance learning is the process in which the education of a student occurs when the educator and the student are separated geographically, and communication is accomplished through a form of technology. The committee, recognizing that distance learning is a current reality with nearly unlimited growth potential, examined questions of how distance learning can be used to maximize the learning experience of the student and how the faculty's traditional role in determining academic and pedagogical issues can ensure that maximization. One issue of interest that the Association is strongly committed to is the importance of academic freedom in a classroom setting, regardless of the technological medium used to transmit the course material. The Association has not published a formal policy statement governing intellectual property rights, but two intellectual property issues seem essential in the distance learning context: (1) the ownership and control of the intellectual property in a distance learning course; and (2) the effect of different modes of transmission in a distance learning context. Faculty workload is another issue that must be examined in the distance learning context, with some protections for the faculty from excessive workload because of large enrollments or frequent student contacts. As a pedagogical tool, distance learning has the potential to enhance the educational mission of institutions of higher learning, but cost-cutting aspects of distance learning need to be recognized as often being cost-shifting, and they need to be addressed in the context of the educational mission of the institution. (Contains 11 endnotes.) (SLD)

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Committee R on Government Relations
Report on Distance Learning
Presented by the Subcommittee on Distance Learning
November 14, 1997

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Report
Distance Learning

The following report, prepared by the undersigned subcommittee of Committee R on Government Relations, was approved by the full committee in November 1997.

I. Introduction: Origin and Charge of the Subcommittee

Committee R on Government Relations created a subcommittee on distance learning at its June 1997 meeting in Berkeley, California.**[1]** The subcommittee's charge was to produce a report on distance learning for the November 1997 meeting of the full committee, focusing on three specific areas: faculty compensation, intellectual property rights, and academic freedom. While other entities within both the Association and the profession have been investigating the various issues raised by the growth of distance learning, the Committee on Government Relations decided to go ahead with its own subcommittee because both state and federal governments were pursuing initiatives promoting the practice.

Governors and legislatures across the country have talked of using distance learning to cut costs and improve access. The Western Governors' University is only the most visible example of this trend. At the federal level, the Department of Education has indicated that it will be addressing questions regarding accreditation of distance learning programs. The National Commission on the Cost of Higher Education examined the impact of technology on college costs. Both these federal undertakings will help determine the shape of the reauthorization of the Higher Education Act.

After reviewing the issues involved, and previous Association statements and reports on aspects of distance learning, especially the 1969 *Statement on Instructional Television* and the recent work done by a subcommittee of Committee C on College and University Teaching, Research, and Publication, the subcommittee established several assumptions as a basis for its examination of the specific issues in its charge.**[2]**

- Distance learning is not a future possibility for which higher education must prepare; it is a current reality whose growth potential is virtually unlimited.
- Distance learning, used properly in its various modes, can enhance the learning experience and increase access to higher education for a wide variety of potential students.
- Distance learning, even used properly in its various modes, raises a number of issues that have to be examined carefully, to determine its impact on faculty, students, and the learning experience in general.

The subcommittee used those assumptions to examine the questions of how distance learning can be utilized to maximize the learning experience of the student, and how the faculty's traditional role in determining academic and pedagogical issues can ensure that maximization.

The subcommittee recognized that distance learning can be a valuable pedagogical tool to increase access to higher education for students not able to utilize traditional campus offerings, but it is in no way a substitute for the engagement of the teacher with the student. That engagement is fundamental to the educational process, and AAUP-supported policies are designed to provide standards for enhancing that engagement. Traditional Association practice is that policy statements have always been "designed to set a

framework of norms to guide adaptations to changing times and circumstances.[3] In order to provide a report useful to the concerns of our members and faculty in general, the subcommittee examined the new realities created by the development of technology in the classroom and developed some recommendations toward establishing standards to deal with that new reality. Committee R's basic recommendation is to urge revision of the 1969 *Statement on Instructional Television* to reflect subsequent technological changes affecting the classroom. More specific recommendations follow in the discussion below.(back to table of contents)

II. The Political Context of the Growth of Distance Learning

Distance learning has become increasingly admired by governors, legislators, institutional administrators, and critics and reformers of higher education, all of whom look on it as a more cost-effective way than on-site delivery to make services available to a wider, more varied audience than ever before. Despite mixed evidence as to its effectiveness in answering the needs of higher education, the political pressure to implement distance learning continues to grow rapidly across the country.

The allure and promise of this technology to both policy makers and the public make it imperative that the Association act expeditiously to ensure the faculty role in shaping the course and velocity of distance learning's acceptance. Neither those who discern problems with distance education, nor those who embrace it, want to see technology misapplied or curricula adulterated through inadequate or inappropriate application. As educators, our first priority is pedagogical, yet we need to understand the political forces pushing this technology in order to have the impact we should in shaping the pedagogical environment.

There are several social and economic trends associated with the various technologies of distance learning that are driving the interest in its development and shaping the political debate about its implementation. These trends include new demographic realities, political constraints of state budgetary politics, cultural and lifestyle changes, and basic imperatives of technological development.

The size of the high school graduating class will grow by more than 20 percent between 1996 and 2005, and an ever-greater proportion of the high school graduating class is enrolling in college about 67 percent today, as opposed to 56 percent in 1980. Thus, the increasing size of the traditional college cohort is magnified by the growth of more students of college age. Equally important is growth of the nontraditional college cohort, a phenomenon fueled by changes in the employment and wage structures of the American economy. These changes include, but are not limited to, the flight of high-wage manufacturing jobs off shore and their typical replacement by low-wage kinds of work.[4]

Department of Education statistics, taking these developments into account, suggest that college enrollments will hit approximately 20 million by 2010. The need to make space at already overcrowded college campuses for the coming deluge of students is unlikely to be persuasive to education policy makers (who may well recall the never fully realized predictions of bulging enrollments made about the 1990s.) Their choice may be to invest in distance education as a compromise with current and future demand.

The uncertainties of the demographic projections are only one of the problems opponents of distance learning (or those who simply want to slow its implementation) face when they present arguments to legislators and policy makers. The opponents of distance learning have mistakenly assumed that education policy makers in state legislatures can be swayed by arguments exposing the uneven quality of the courses likely to be delivered by distance methods. However, arguments about quality have had little effect in states in which distance education has taken hold.

State legislative politics tend to perceive economic reality, academic quality, and policy priorities in terms quite different than a rational academic analysis might at first suggest. Historically, the early development of American medical schools illustrates this contradiction. Following the "bacteriological revolution" of the late nineteenth century, consulting a trained physician began to make sense to the public as a reasonable way to cope with illness. In response, many states established publicly supported medical schools. Less prosperous states in the West made a conscious choice not to create elite institutions, but to build ones that could merely graduate enough "competent" physicians to meet public demand and staff the local medical economy. Their argument was that the state was unlikely to recoup the gains to society at large to justify the expenditure required to build a national institution. They therefore tended to "rationally underinvest" in medical education.[5]

Contemporary state legislatures may understand distance learning in much the same way as their predecessors understood the building of merely adequate medical schools. Local needs and constrained budgets, rather than concerns about quality, have been paramount in the decision to invest in distance learning programs instead of enlarging traditional campuses. Thus, the Western Governors' University, the best-known American example of distance learning, has been sold by policy makers who stress the importance of cutting state budgets (in large part by eschewing capital investment), lowering state government profiles, and providing service to large, sparsely populated geographic areas potent political arguments in most western states.

Distance learning also plays directly to a recent trend in the way people live their daily lives a tendency toward not connecting rather than connecting. Or, putting the matter differently, the public square has lost its allure in our culture and has begun to disappear from civic life. In his article "Bowling Alone," Robert Putnam argues that Americans have for some time been more interested in taking services of all kinds in isolation rather than in a communitarian environment.[6] It seems easier, more "real," to some to "meet" people on the Internet in the privacy of their home than in the "commons" of a classroom. Twenty-five years ago, in *The Pursuit of Loneliness,* Philip Slater suggested that the quintessential American community was the traffic jam, a way for individuals to be among their peers and, at the same time, alone, encapsulated in a car.[7] By that standard, one can comfortably bank and invest; shop for a car, clothes, and a house; read newspapers and magazines; play games; and have a romantic relationship on the Internet, all in

the privacy of one's home. Why, then, should one not be able to take a college-level class from home?

Students with this mind-set may not, in reality, want anything resembling a traditional education. As Arthur Levine, president of Columbia Teachers' College, recently noted, "[T]hey . . . [want] the kind of relationship with a college that they had with their bank, their supermarket, and their gas company. 'I want terrific service, I want convenience, I want quality control. Give me classes twenty-four hours a day, and give me in-class parking if possible.' These are students who want stripped down classes. They don't want to buy anything they are not using. "**[8]**

Every student of technology history is familiar with the truism that reservations about a viable new technology will not prevent its introduction, regardless of the consequences. Distance learning technology is no exception to this axiom. In a recent discussion of the decision of the University of Wisconsin Stout to enter into a distance education consortium, the question was raised:

> Which comes first, the technology or the program? In the case of the interactive television implementation, it was clearly the case of a solution in search of a problem. The decision to enter the two-way television consortium came first and stimulated the search for an appropriate application. The institution felt compelled to mount the academic program in order to make the investment in the consortium a wise one.**[9]**

James R. Mingle, executive director of State Higher Education Executive Officers, illustrated the powerful pull of technology even more clearly in 1996, noting that "if students want it, I can guarantee somebody will do it and somebody else will accredit it."**[10]**

These political forces are compelling institutions of higher education and, by extension, their faculties, to a practically unquestioned acceptance of distance learning. The instinctive wariness many faculty members feel toward the actual implementation of distance learning programs is sometimes mooted by their own fears that they may be seen merely as impediments to progress, rather than as reasonable critics of an unproven idea. Most opposition to distance learning has, in fact, come from concerned faculty groups, raising the fear among faculty that the public and legislators will view them as reactionaries or unthinking and profligate spendthrifts of the higher education budget in a time of fiscal constraints. On the other hand, the critique of distance education must be a crucial feature of the evolution of this modality, for it appears to be an inexorably growing presence in the lives of colleges and universities, their faculties, their students, and society at large. (back to table of contents)

III. Distance Learning: Definitions, Descriptions, and Claims

Distance learning, for the purpose of this document, is the process whereby the education of a student occurs in circumstances where the educator and the student are geographically separated, and the communication across this distance is accomplished by one or more forms of technology, typically electronic, such as television and computers, though, strictly speaking, not limited to these media.

In its earliest form, distance learning was accomplished through the technology of print (delivered by mail); in some places it was augmented by radio or phonograph records. Since then, it has evolved during the rise and fall of various technologies, including:

- Live sound over shortwave radio, telephone, and more recently, audio and video conferences;
- Recorded sound in the form of phonograph records, audiotapes, compact discs, and, most recently, downloaded files or streaming audio over the Internet;
- Photography in various formats such as sixteen- and eight-millimeter movies, slides, and filmstrips;
- Television in the form of traditional airborne transmission, VHF and UHF, microwave, or satellite television, videotapes, videodiscs, and now video imaging over the Internet;
- Computers in the form of main frames, teaching machines, personal computers with portable disks, modem transmission over phone lines, and now wireless modems and the Internet (including file transfer protocol, gophers, electronic mail, and the World Wide Web).

For almost every major technological leap, the promise has been overstated by boosters, and rather than causing a wholesale revolution in methodology, each medium has taken its place in the constellation of techniques used to support the teaching-learning process. This is not to say that technological tools have not had a marked effect, for they have sometimes gradual, sometimes dramatic, sometimes brief, and sometimes enduring. Certainly, there is a dramatic revolution under way in the telecommunications industry, which is providing many new opportunities for distance learning.

It should be noted that much of this technology can be applied equally well to on- and off-campus programs. This parallel evolution in the on-campus environment has fostered the term "flexible learning." The use of the same technologies on and off campus shows us how students can learn in similar ways no matter where they are on campus or away from it. There is a whole smorgasbord of arrangements for getting students to engage in learning doing so successfully becomes a matter of putting together an appropriate combination of activities, resources, and technologies.

A frequent claim is that distance education is cheaper and therefore utilized more in times of shortage of resources. In reality, the cost equation is rarely that simple. Although the college may need less in the way of buildings and campus infrastructure, there will be a need for communication technology infrastructures, support networks, supplementary services for marketing, registration, library access, advising, and testing beyond the campus. Cost savings may be realized only when numbers become large so that a program might have several hundred enrollees. To reach this scale, the entire educational program may have to be redesigned in terms of how it is conceived, developed, and delivered. This will inevitably disrupt traditional patterns of employment and study, and the cultures and values that go with them.

Distance learning has grown faster among some disciplines (medicine, engineering, computing, and business, for example) than others. While for most colleges distance learning is not a central activity, there are some institutions, such as Britain's Open University, Canada's Athabasca University, and the still-projected Western Governors' University, for which distance delivery is the only mode of teaching.

The bottom line is that developing distance learning requires significant changes in the practice of both faculty and students to ensure an adequate learning environment. The better distance learning program designs show sensitivity to students' need to have ready communication with the instructor and other students. In such cases, a conferencing system, electronic mail, or telephone contact may replace, at least in part, traditional office hours.(back to table of contents)

IV. Academic Freedom in Distance Learning

Academic freedom concerns related to research, creation of materials and their expression, and control over their distribution and use are fundamental to the Association and to the academic profession generally. The stated desire of the 1940 *Statement of Principles on Academic Freedom and Tenure* is "to promote public understanding and support of academic freedom" and its value to society as a whole. The statement continues:

> Institutions of higher education are conducted for the common good and not to further the interest of either the individual teacher or the institution as a whole. The common good depends upon the free search for truth and its free exposition.
>
> Academic freedom is essential to these purposes and applies to both teaching and research. Freedom in research is fundamental to the advancement of truth. Academic freedom in its teaching aspect is fundamental for the protection of the rights of the teacher in teaching and of the student to freedom in learning. It carries with it duties correlative with rights.

In response to specific recent developments, the Association expanded those concerns in documents such as the 1990 *Statement on Academic Freedom and Artistic Expression* and the 1994 *Statement on Freedom of Expression and Campus Speech Codes*. In the late 1960s the Association made its first examination of the emerging field of distance learning and adopted the 1969 *Statement on Instructional Television*. In that statement the Association asserted: "The use of television in teaching should be for the purpose of advancing the basic functions of colleges and universities to preserve, augment, criticize, and transmit knowledge and to foster the student's ability to learn." It further stated:

> A faculty member engaged in instructional television is entitled to academic freedom as a teacher, researcher, and citizen in accordance with the provisions of the 1940 *Statement of Principles on Academic Freedom and Tenure*. . . . Because television production is a form of publication, a faculty member has the same freedom to enter into an agreement with an educational or commercial agency to produce, or otherwise participate in, a television program as he has in arranging for the publication of his own writings with a commercial, university, or other nonprofit press or with a scholarly or professional journal.

The 1969 *Statement* went on to assert that the faculty member has the "full responsibility for selection of materials and point of view" and that "the teacher has the final responsibility for the content and objectives of the program. " In short, the 1969 *Statement* quite appropriately applied the principles of the 1940 *Statement* to the new medium of instructional television.

The 1969 *Statement* did recognize the increased technical complexity, and cost, of broadcast television. Most troubling for academic freedom concerns, it noted that broadcast television is subject to "the regulation of the Federal Communications Commission." The Supreme Court upheld the commission's regulatory power in *FCC v. Pacifica Foundation*, a 1978 case involving a notorious comedy monologue featuring seven particular words. However, Justice Stevens's concurring opinion, joined by Justices Burger and Rehnquist, also pointed out that "indecency is largely a function of context. "**[11]** The Court has not ruled specifically on any similar case involving educational or instructional purposes, but the Association has historically held that academic freedom principles are paramount in the educational context. Congress has recently attempted to regulate the content of material on the Internet with the passage of the 1995 Communications Decency Act. However, sections of law of concern to the AAUP were struck down as overly broad in the Supreme Court's 1997 decision, *Reno v. ACLU*.

Other academic freedom issues raised by the growth of distance learning that need clarification by the Association include the rights

of a college or university to mandate distance learning, assign faculty to teach distance courses, use or reuse previously created faculty work, and distribute and possibly misuse materials on computer networks such as the Internet and the World Wide Web. Many, if not all, of these concerns are addressed in the 1969 *Statement on Instructional Television.*

Committee R recommends that the 1969 *Statement* be revised to reflect the technological developments of the last quarter century and to reaffirm the Association's strong commitment to the fundamental importance of academic freedom in a classroom setting, regardless of the technological medium used to transmit the course material to the student. The committee will monitor and resist legislative attempts to regulate new technological media in ways that would infringe on academic freedom.(back to table of contents)

V. Intellectual Property Rights in Distance Learning

The Association has not published a formal policy statement governing intellectual property rights, although it has made brief references to the topic in other documents. That situation may change in the near future. Owing to the increasing pressures faculty are facing from changes in the legal, academic, and technological environments, Committee A on Academic Freedom and Tenure commissioned a subcommittee to study and report on intellectual property issues, primarily copyright, on college and university campuses. (The report appears in the May/June issue of *Academe.*)

In the distance learning context, there are two fundamental intellectual property questions:

(1) Who owns, and controls, the intellectual property in a course produced for distance learning?

(2) How do the different modes of transmission affect the use of materials in a distance learning context?

The 1969 *Statement on Instructional Television* called for "faculty to establish and publish appropriate guiding policies and procedures" in order "to protect the interests of the individual creators and the educational objectives of the institution." The statement focuses on questions of compensation and control, and urges that "explanations should be provided for faculty members unfamiliar with copyright law." Finally, the statement strongly recommends that "no recording of a teacher's presentation in the traditional classroom setting, whether for reuse on instructional television or for any other purpose, should be made without his prior knowledge and consent."

Intellectual property law is grounded in Article I, Section 8, Clause 8 of the U.S. Constitution which gives Congress the power "To Promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries." This constitutional charge provides the basis for copyright, patent, and trademark law, and while all three areas have important implications for an Association policy on intellectual property, copyright is the area with the most implications by far for faculty operating within a distance learning context.

Both ownership and use of copyright materials are codified within the Copyright Statute (Title 17), but the statutory language can be interpreted in various ways and does not speak completely to the conditions raised by the new technologies that affect and drive distance learning development. Under existing copyright law, ownership resides with the author(s), except in cases of "work for hire." A work for hire is a work prepared by an employee within the confines of the job, or specially ordered or commissioned. Copyrights can be held on "original works of authorship fixed in any tangible medium of expression, now known or later developed."

Within the context of electronic and digital modes of information transfer, the concept of "fixing" a work in a tangible medium of expression has become problematic, and with the growing commercial possibilities of intellectual property, some institutions have stretched the concept of work for hire. This situation demands clarification. This clarification will be undertaken legislatively in some cases, through the medium of collective bargaining agreements in others, and through college and university policies arrived at collegially through the processes of shared governance in others. Whatever form the clarifying agreements take, the traditional Association policy of articulating the rights and responsibilities of the faculty will continue to be our major concern.

The ownership of intellectual property is among the most widely debated issues on university campuses today, and those debates go far beyond the distance learning issue itself. Typically, in settings other than universities, it is well settled that the material created by employees within the scope of their employment is owned by the employer. However, the unique mission of the university, academic tradition, and the essential principles of academic freedom have led faculty to claim that they own the material they create. Historically, many university administrations have asserted institutional ownership, but then allowed, or not challenged, the faculty position with regard to copyrights, at least in part because both the financial "cost" and the value of most copyrightable creations were usually insignificant when compared with the cost and value of patentable inventions. But as the potential value of copyrighted material escalates, particularly with the advent of multimedia software, and as financial resources diminish, many universities are revisiting who owns the intellectual property created by faculty.

In keeping with academic tradition, and to ensure "full freedom in research and in the publication of the results" Committee R recommends that the Association develop a policy that presumes that the ownership of all academic work should reside with the individual faculty member or members who create that work. This policy should apply regardless of the mode of transmission used to communicate that work to its audience, and of whether that audience consists of students sitting in a lecture hall, readers individually reading a book or article, small groups watching a video transmission of a lecture or demonstration, or individuals taking a course over a computer network. The committee further recommends that the Association adopt a model, or models, of agreements to carry

out such a policy.

As faculty, members of the AAUP seek to encourage original research "to promote the progress of science and useful arts" by securing ownership for the creators, while at the same time promoting the widest possible dissemination of that research and knowledge through the educational missions of higher education institutions. In fact, it is impossible to separate the faculty's roles as producers and consumers of intellectual property. The production or creation of new works of "science and useful arts" depends on the individual incentive offered to the creator or creators, and on the availability of the cultural heritage of our intellectual tradition. This availability presupposes a rich and vibrant public domain, as well as a broad application of "fair use" to promote teaching, scholarship, and research.

The fair use doctrine was developed by the courts, and codified in the 1976 revision of the Copyright Statute (Section 107). Fair use holds that it is not an infringement of copyright to reproduce copies or phonorecords for criticism, comment, news reporting, teaching (including multiple copies for classroom use), scholarship, or research. Four factors (purpose, nature, amount, and effect) are to be weighed in assessing fair use. This principle is well established in the traditional classroom setting, and is equally critical in a distance learning setting. (While the subcommittee did not directly address the question of what differentiates a traditional classroom from a distance learning setting, the conclusions regarding this issue, and others, are predicated on the assumption that there is no essential difference between the two in an educational sense. Both involve a controlled interaction between a teacher and a student in order to transmit knowledge and understanding.)

The Association has historically supported a broad application of fair use. In fact, the AAUP played a leading role in opposing the guidelines included in the legislative record of the 1976 Copyright Revision Bill because of their overly restrictive nature. The Association has not been involved in the recent negotiations of the Conference on Fair Use (CONFU), in part because it continues to have strong reservations about the overly restrictive nature of this new set of proposed guidelines.

Committee R recommends that the Association develop a policy to ensure the broadest possible dissemination of material in the classroom, however that classroom is physically, technologically, or geographically defined. That policy includes the promotion of a rich and vibrant public domain, and the application of fair use to copyrighted material to promote teaching, scholarship, and research, regardless of the mode of transmission used to convey the course material to the student.

Committee R on Government Relations will take the appropriate legislative positions to promote those goals. The recent decision of the committee to oppose the Copyright Extension Act of 1997 is a step in that direction. The committee will also consider supporting legislation that would apply the fair use doctrine to the new classrooms created by distance learning. (back to table of contents)

VI. Faculty Workload and Compensation in Distance Learning

The Association's 1970 *Statement on Faculty Workload* was developed prior to the significant development of distance learning in the United States. As a result, the standards articulated within the policy statement speak to the traditionally defined classroom. Nevertheless, this statement remains the basis of Association standards for maximum faculty workload:

> For undergraduate instruction, a teaching load of twelve hours per week, with no more than six separate course preparations during the academic year.
>
> For instruction partly or entirely at the graduate level, a teaching load of nine hours per week.

The statement also recognizes that the standard method of workload measurement "hours per week of formal class meetings" is inadequate and that other factors, such as preparation and class size, also need to be addressed in the formulation of a faculty workload policy.

The widespread development of distance learning in the American academy since 1969 requires the Association to reexamine workload and compensation formulations. Class size, preparation, and student evaluation are specific issues that must be addressed, as well as overall commitment of time on the part of faculty.

Class Size

Enrollment in a course that is offered in a distance learning mode is not limited by room size or other physical facility usage. It is likely, therefore, that class size or weekly student contact hours in distance learning will increase beyond acceptable standards and upset traditional formulations that determine workload and compensation policy.

1. Increased weekly student contact hours or class size will directly affect the ability of the instructor to evaluate examinations and written assignments. At the present time there is no established standard regarding the appropriate size of classes taught in the distance learning mode.

2. Increased weekly student contact hours or class size also affect courses that are designated as "interactive" on the part of instructor and student. Such courses require instructors to commit significant amounts of additional time to telephone conferences or e-mail exchanges. Such an investment of time must be evaluated in the formulation of workload and compensation policy.

3. Increased weekly student contact hours or class size is not adequately addressed by the current practice of many institutions of assigning part-time, non-tenure-track faculty, or graduate assistants to assist the instructor in teaching a distance learning course. Not only is supervising the assistants an added workload burden, but the additional use of multiple instructors raises issues of quality. Finally, the use of part-time faculty raises concerns regarding fundamental questions of academic freedom, workload, and compensation.

Preparation

The various forms of distance learning increase the preparation requirements of the instructor and therefore have a direct impact on workload formulations and compensation.

1. Distance learning requires faculty to develop expertise and preparation in technical areas apart from traditional academic education. The instructor in distance learning must have specific knowledge of particular computer software programs used in distance learning courses as well as knowledge of television studio procedures if the course is televised. Some colleges, under the banner of "faculty development," are now requiring faculty to undergo special technical and performance training before teaching in distance learning programs. Such requirements are not easily applied to traditional formulations of workload and compensation.

2. Distance learning courses usually require greater preparation for each class session than is typical for the standard lecture class. Most distance learning television studios, for example, are not equipped with chalkboards, and instructors must prepare written materials suitable for the camera and electronic transmission rather than writing spontaneously on the chalkboard.

3. Distance learning courses affect timelines. Faculty who are accustomed to distributing materials in class, for example, must prepare and mail materials to distance learning students enrolled in interactive televised courses in anticipation of the class activity for a particular day. In televised courses, faculty must also spend additional preparation time working with technical and support staff in order to ensure that the class occurs in a smooth and uninterrupted manner. While in some ways the delivery of material is technically easier in online or recorded courses, the fact remains that material preparation is significantly different for distance learning courses.

4. Whatever the context or specific situation, the instructor must often prepare for multiple student audiences simultaneously, one in the traditional classroom and the other (or others) by distance learning. During the fall 1997 semester, for example, an instructor at Anne Arundel Community College taught the same course in three modes in a traditional classroom, on television, and on the Web.

5. Distance learning courses often alter the manner in which faculty assess or evaluate student performance. Faculty are required to postpone immediate assessment of student performance within a traditional classroom in favor of a telephone conversation or an e-mail letter at a later time or date. Student assessment in distance learning courses also becomes problematic in courses in which direct observation of the student by the instructor is the optimum situation. Also, formal examinations must be restructured in distance learning courses in order to accommodate students who are enrolled at off-campus sites or who are viewing the course on television or over the Internet. Chapter quizzes, for example, which are often given in traditional lecture courses in order to encourage students to keep up with reading assignments, are not feasible in distance learning courses. In each case cited above, faculty must spend additional preparation time resolving problems pertaining to student assessment or evaluation.

As already noted, the Association has recognized that the formulation of faculty workload based on formal class hours per week is inadequate. The development of distance learning over the past several years has further affected the workload formula. The development and expansion of distance learning requires the Association to reconsider what constitutes an assigned course section for the purpose of load and appropriate compensation for faculty teaching in distance learning programs. Committee R makes the following recommendations.

1. *Enrollment.* Faculty who have substantial additional student enrollment in a course section due to distance learning should be compensated by additional credit in load assignment. Those students enrolled as distant learning students should be considered to be an additional class section, relative to the size of the original class, for the purpose of load.

2. *Preparation.* Faculty who teach in distance learning programs should be additionally compensated for the extra time required to prepare for distance learning courses, particularly those transmitted by interactive television. This compensation should be financial or, preferably, in order to promote quality, in the form of credit toward load assignment. (back to table of contents)

VII. Distance Learning, Assessment, and Accreditation

The Association's concerns about the accreditation of higher education institutions are set forth in the statement, *The Role of the Faculty in the Accrediting of Colleges and Universities*. The statement is addressed to the processes of the accrediting commissions of regional associations, but the principles and standards articulated in the statement would seem to apply to professional and specialized accrediting processes as well. In its first paragraph the statement makes explicit the premise that underlies the concluding "Recommended Standards for Institutions of Higher Education" and the "Recommended Standards for the Regional Accrediting Commissions. " That premise is that faculty members "exercise a special responsibility as the segment of the educational community which is in the best position to recognize and appraise circumstances affecting academic freedom, faculty tenure, the faculty role in institutional government, and faculty status and morale. "

Distance learning may place in serious jeopardy any meaningful role for regional accrediting commissions, not to speak of the faculty role in such processes. For example, the Western Governors' University, a "virtual entity," has its administrative headquarters in Utah and its academic headquarters in Colorado. Hence it begins in two accreditation regions (Northwest and North Central). Its proposed member entities are located in two additional regions. The accrediting commissions in these four regions have formed the Inter-Regional Accrediting Committee (IRAC), which has developed a series of "eligibility requirements" to which Western Governors' University has responded in numerous drafts. Far from clear is who would make up the visiting committees, where the committees would "visit," what they would examine, how they would ascertain conditions of academic freedom, shared governance, faculty morale, and the like. However, it seems highly probable, based on what we have found to date, that Western Governors' University will be accredited based on IRAC's recommendation. If so, the possibility of any substantial role for "faculty" in the regional accreditation process of WGU would appear to be reduced considerably. And as regional accreditation is a condition for federal funds, the accreditation of WGU would seem to have implications for Committee R's concerns.

Perhaps even more troubling are the draft preamble and principles developed by a group representing the western states' higher education regulating agencies, institutions, and regional accrediting community. The draft preamble and principles were written under the auspices of the Western Cooperative for Educational Telecommunications project, *Balancing Quality and Access: Reducing State Policy Barriers to Electronically Delivered Higher Education Programs*, a project supported by the U. S. Department of Education's Fund for the Improvement of Postsecondary Education. The principles articulate a fairly standard litany of concerns about higher education quality in a form that is not on its face problematic. For example, the principles state: "Qualified faculty provide appropriate oversight of the program electronically offered"; "The program is consistent with the institution's role and mission"; "The program provides faculty support services specifically related to teaching via an electronic system"; and "The program ensures that appropriate learning resources are available to students. " However, a set of assumptions that are said to "form the basis" of the principles are listed in the preamble. The first two assumptions are seemingly unassailable: "The electronically offered program is provided by or through an institution that is accredited by a nationally recognized accrediting body"; "The institution's programs holding specialized accreditation meet the same requirements when offered electronically. " However, there is nothing to require said institutions to apply for specialized accreditation. The University of Phoenix, a for-profit corporation which has a far-flung MBA program on the Internet, has not applied for, and apparently feels no necessity to apply for, accreditation from the International Association for Management Education (formerly the American Assembly of Colleges and Schools of Business). The most troubling assumption stated in the preamble is that "[t]he 'institution' may be a traditional higher education institution, a consortium of such institutions, *or another type of organization or entity*. " (Emphasis added.) Since what the "institution" might be is anyone's guess, who the "faculty" of the institution would be to participate in an accrediting process as we presently understand these terms is open to serious question.**[12]**

Committee R recommends that the revision of the 1969 *Statement on Instructional Television* include references making it explicit that the Association's fundamental concerns over the role of faculty in the accrediting process apply with equal force to distance learning programs. In addition, the committee welcomes the decision by Committee D on Accrediting of Colleges and Universities to include among its projects the role of accreditation in ensuring quality in distance learning programs. Committee R recommends that Committee D include the assessment of distance learning programs in its projected review of the balance between specialized and regional accreditation. Committee R will work to ensure that the accrediting language included in the reauthorization of the Higher Education Act adheres to these principles. Specifically, Committee R, on behalf of the AAUP, will emphasize to the Department of Education that the faculty voice should be a part of the department's proposed independent study of distance learning and accreditation issues.(back to table of contents)

VIII. Conclusion

Committee R presents this report as a preliminary investigation into some specific aspects of the distance learning issue. As a pedagogical tool, distance learning can enhance the educational mission that both faculty and institutions of higher learning work to promote. In some cases, distance learning can even cut the costs of delivery and increase the productivity of higher education, thus fulfilling the hopes of its numerous governmental proponents. However, as noted above, the cost-cutting aspects of distance learning are, in most cases, cost shifting and, as such, need to be addressed in the context of the educational mission of the institution. This report has focused specifically on academic freedom, intellectual property rights, and faculty compensation and workload issues. The committee has made specific recommendations to protect academic freedom, the intellectual property rights of faculty teaching distance learning courses, and the workload and compensation rights of faculty under the new conditions produced by the distance learning environment.

The literature on distance learning has raised a host of other issues critical to maintaining the maximum commitment to educational excellence. After reviewing these issues, Committee R concludes that almost all are addressed by existing Association policy. The committee contends that most decisions regarding distance learning represent curriculum issues, which lie within the responsibility of the faculty. The 1966 *Statement on Government of Colleges and Universities* delineates the various responsibilities within the academic institution.

> The faculty has primary responsibility for such fundamental areas as curriculum, subject matter and methods of instruction, research, faculty status, and those aspects of student life that relate to the educational process. On these matters, the power of review or final decision lodged in the governing board or delegated by it to the president should be exercised adversely only in exceptional circumstances, and for reasons communicated to the faculty. It is

> desirable that the faculty should, following such communication, have opportunity for further consideration and further transmittal of its views to the president or board. Budgets, personnel limitations, the time element, and the policies of other groups, bodies, and agencies having jurisdiction over the institution may set limits to realization of faculty advice.
>
> The faculty sets the requirements for the degrees offered in course, determines when the requirements have been met, and authorizes the president and board to grant the degrees thus achieved.

The 1969 *Statement on Instructional Television* essentially made the same point in regard to the televising of courses. The sections of that statement setting forth general principles, delineating areas of responsibility, and articulating faculty responsibility answer many of the concerns of the committee. The committee concludes that these principles apply to the respective roles of faculty and administration in designing the education mission of the institution and are not bound by the technological form used to deliver the educational content.

Committee R recognizes that some of the political constraints noted above may make it more difficult to implement applicable Association policy but concludes that those constraints make it all the more necessary to assert the need for faculty's traditional role in carrying out the educational mission of higher education institutions in this country. The committee welcomes educational innovation but maintains that faculty must continue to play their traditional role in developing the educational mission of what, after all, is universally acknowledged to be the finest system of higher education in the world. (back to table of contents)

Respecfully submitted,
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Footnotes to the Report

1. This report was prepared by a subcommittee of Committee R on Government Relations and approved by the full committee in November 1997. The subcommittee wishes to acknowledge the contributions of Donald R. Wagner, State University of West Georgia, *liaison* with Committee D on the Accrediting of Colleges and Universities, and Tony Midson, Portland State University.

2. The Subcommittee on the Use of Technology in College and University Instruction published its preliminary report in the May/June 1996 issue of *Academe.*

3. American Association of University Professors, *Policy Documents and Reports,* 8th ed. (Washington, D. C. : AAUP, 1995), 5.

4. Kenneth C. Green, "Think Twice and Businesslike About Distance Education," *AAHE Bulletin,* October 1997, 3 4.

5. Paul Starr, *The Social Transformation of American Medicine: The Rise of a Sovereign Profession and the Making of a Vast Industry* (New York: Basic Books, 1982.), 122.

6. Robert Putman, "Bowling Alone: America's Declining Social Capital," *Journal of Democracy,* January 1995, 65 78.

7. Philip Slater, *The Pursuit of Loneliness: American Culture at the Breaking Point* (Boston: Beacon Press, 1970).

8. James Traub, "Drive-Thru U," *New Yorker,* 20 October 1997, 115.

9. Robert A. Sedlak and G. Phillip Cartwright, "Two Approaches to Distance Education: Lessons Learned," *Change,* January/February 1997, 55.

10. *Chronicle of Higher Education,* 26 January 1996. A20.

11. 438 U. S. at 743. Separate opinion of Justice Stevens, joined by Chief Justice Burger and Justice Rehnquist.

12. Western Cooperative for Educational Telecommunications, *Principles*, <www. wiche. edu/Telecom/projects/principles. htm>. (back to table of contents)

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